

STATE OF MICHIGAN



HONORABLE JULIE A. NICHOLSON  
HONORABLE NANCY TOLWIN CARNIAK  
HONORABLE LISA L. ASADOORIAN

DISTRICT JUDGES

District Court – 52nd Judicial District

3RD DIVISION  
(248) 853-5553

700 Barclay Circle  
Rochester Hills, MI 48307-5800

LYNDA A. HAMMERSTEIN  
COURT ADMINISTRATOR

August 3, 2005

Mr. Corbin R. Davis  
Clerk of the Michigan Supreme Court  
P.O. Box 30052  
Lansing, Michigan 48909

RE: ADM File No. 2004-42

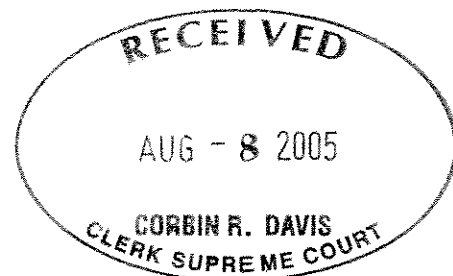
Dear Mr. Davis:

The Judges of the 52<sup>nd</sup> Judicial District Court, 3<sup>rd</sup> Division respectfully submit our opposition to the proposed amendment of Michigan Court Rule 8.110(5)(b). The proposed amendment seeks to change the reporting requirements of delayed misdemeanors between the time of the defendant's first appearance and adjudication. The proposed amendment would require District Courts to report misdemeanor cases and cases involving local ordinance violations that have been delayed 91 days as opposed to our current 180 day delay reporting from arraignment to adjudication.

The 52/3 District Court services 11 municipalities. Over the last five (5) years, this Court has processed an average of 58,324 new cases per year. At the end of 2004, a total of 74,603 cases were reported pending which included new case filings and existing cases. Of the 58,324 new cases filed, we received 10,369 misdemeanor cases that have a criminal penalty. Our 2004 monthly reporting of cases that exceeded 180 days from arraignment to adjudication averaged 6.83 total cases per month.

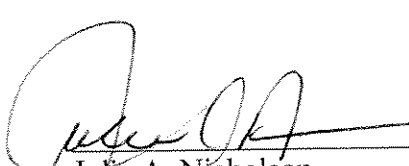
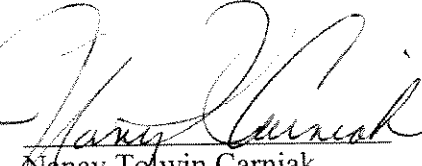
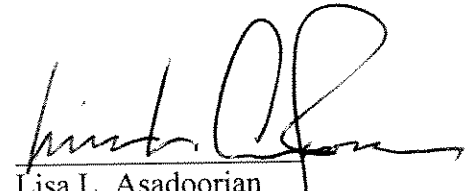
Due to the large jurisdiction that this Court services, some of the municipalities only have dockets once or twice a month. Therefore, it would be almost impossible to meet a 91 day adjudication requirement given the high caseload and size of our jurisdiction.

In addition to the near impossibility of adhering to this proposed court rule, we would suffer a hardship in terms of clerical resources in having to comply with reporting requirements. Our funding unit has made it clear that this Court will not be receiving any new positions. Our clerical staff is already working to capacity to process the 74,603 cases that we have. If this court rule is accepted, it will result in increased clerical time to accumulate the data requested.



We thank you for your anticipated consideration of the inevitable hardship this new court rule would impose on this Court. Please feel free to contact us if you have any questions or comments.

Sincerely,

  
Julie A. Nicholson  
District Court Judge  
Nancy Tolwin Carniak  
District Court Judge  
Lisa L. Asadoorian  
District Court Judge